REMARKS/ARGUMENTS

In the Office Action dated July 5, 2007, claims 1-3 and 6-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over White et al., U.S. Patent Publication No. 2003/0227934 ("White") in view of Chawla et al., U.S. Patent No. 6,137,787 ("Chawla"). Claims 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over White in view of Chawla and Smith, U.S. Patent No. 6,064,889 ("Smith"). Claim 5 was rejected under 35 U.S.C. § 112, ¶2 as being indefinite.

Claims 1-11 are now pending in this application.

The Applicant respectfully submits that claims 4 and 5 are not indefinite. Claim 4 requires permitting only the first station to reuse a time slot allocated to a base station if the base station is located outside a threshold distance from the first station. Claim 5 requires permitting the first station to reuse a time slot allocated to a mobile station that is located at any distance from the first station. Thus, claim 4 deals with reusing a time slot allocated to a base station and claim 5 deals with reusing a time slot allocated to a mobile station. Claim 4 permits reuse of a base station time slot located outside a threshold distance from the first station, while claim 5 permits reuse of a mobile station time slot regardless of the distance. The distance requirement of claim 4 applies only to base stations and so does not conflict with the claim 5, which applies only to mobile stations.

The Applicant respectfully submits that claims 1-3 and 6-11 are not unpatentable over White in view of Chawla because even if White and Chawla were combined as suggested by the Examiner, the result would still not disclose or suggest all the requirements of the claims. White discloses a system and method of transmitting messages to multiple destination nodes, in which a message from a source node is addressed to a multicast-broadcast address, and multiple

destination node addresses are included in the message header. Destination nodes which successfully receive the transmission calculate a timeslot in which to transmit an acknowledgement message based on the position of their address in the message header. The source node can then provide a retransmission to destination nodes which did not successfully receive the transmission as either a multicast-broadcast or a unicast communication depending on acknowledgement messages received.

Chawla discloses a method and apparatus for assigning communication resources for at least one communication site in a time division communication system having multiple reuse patterns in the time domain. A first plurality of communication sites communicate using a first portion of a time frame corresponding to a first reuse pattern. A second plurality of communication sites communicate using a second portion of said time frame corresponding to a second reuse pattern.

Claim 1 requires receiving the acknowledgement message in a second base station, which is a different base station than the first base station that transmitted the message. At para. [0038], White discloses a transmitting node 120, which can be any of nodes 102, 106, or 107, sending a message to a plurality of receivers 122, 124, and 126, which also can be any of nodes 102, 106, or 107. White discloses each of the nodes 122, 124, and 126 successfully receiving the message and transmitting an ACK message. White then discloses that the transmitter 120 is shown successfully receiving all of the ACK messages. Thus, White only discloses the same transmitter that sent the original message also receiving the acknowledgement message. White does not disclose or suggest a base station that is different than the base station that transmitted the original message receiving an acknowledgement message. Chawla likewise does not disclose or suggest

receiving the acknowledgement message in a second base station. Thus, the combination of White and Chawla does not disclose or suggest receiving the acknowledgement message in a second base station.

Likewise, since White only discloses the same transmitter that sent the original message also receiving the acknowledgement message, White does not disclose or suggest forwarding the acknowledgement message from the second base station to the message handling entity. This requirement has no application to the system disclosed by White, because in White, the same transmitter that sent the original message also receives the acknowledgement message. Thus, White does not disclose or suggest a second base station forwarding the acknowledgement message (acknowledging a message send from a different base station) to the message handling entity. Chawla likewise does not disclose or suggest a second base station forwarding the acknowledgement message (acknowledging a message send from a different base station) to the message handling entity. Thus, the combination of White and Chawla does not disclose or suggest a second base station forwarding the acknowledgement message (acknowledging a message send from a different base station) to the message handling entity.

Claim 9 requires a message handling entity comprising an interface adapted to receive an acknowledgement message from a second base station, the acknowledgement message having been generated by the mobile station in response to the addressed message (which was sent from the first base station) and sent to the second base station. White only discloses the same transmitter that sent the original message also receiving the acknowledgement message. White does not disclose or suggest a base station that is

different than the base station that transmitted the original message receiving an acknowledgement message. Likewise, White does not disclose or suggest a message handling entity receiving the acknowledgement message (acknowledging a message sent from the first base station) that was forwarded from the second base station. Chawla likewise does not disclose or suggest a message handling entity receiving the acknowledgement message (acknowledging a message sent from the first base station) that was forwarded from the second base station. Thus, the combination of White and Chawla does not disclose or suggest a message handling entity receiving the acknowledgement message (acknowledging a message sent from the first base station) that was forwarded from the second base station.

Claim 10 requires a base station comprising an interface towards a network to which at least one other base station is connected, the interface being adapted to receive acknowledgement messages from the at least one other base station and forward any such messages to the central unit. At para. [0038], White discloses a transmitting node 120, which can be any of nodes 102, 106, or 107, sending a message to a plurality of receivers 122, 124, and 126, which also can be any of nodes 102, 106, or 107. White discloses each of the nodes 122, 124, and 126 successfully receiving the message and transmitting an ACK message. White then discloses that the transmitter 120 is shown successfully receiving all of the ACK messages. Thus, White only discloses the same transmitter that sent the original message also receiving the acknowledgement message. White does not disclose or suggest a base station that can receive and forward acknowledgement messages from the other base stations. Chawla likewise does not disclose or suggest a

base station that can receive and forward acknowledgement messages from the other base stations. Thus, the combination of White and Chawla does not disclose or suggest a base station that can receive and forward acknowledgement messages from the other base stations.

Claim 11 requires the receiver is adapted to receive acknowledgement messages in respect of at least one other base station, and the interface is further adapted to forward acknowledgement messages received in respect of the at least one other base station to the respective at least one other base station via the network. White only discloses the same base station that sent the original message also receiving the acknowledgement message. White does not disclose or suggest a base station that is different than the base station that transmitted the original message receiving an acknowledgement message. Chawla likewise does not disclose or suggest a base station that is different than the base station that transmitted the original message receiving an acknowledgement message. Thus, the combination of White and Chawla does not disclose or suggest a base station that is different than the base station that transmitted the original message receiving an acknowledgement message.

Therefore, claims 1, 9, 10, and 11, as well as claim 2-3 and 6-8, which depend from claim 1, are not obvious over the combination of White and Chawla.

The Applicant respectfully submits that claims 4-5 are not unpatentable over White in view of Chawla and Smith because even if White, Chawla, and Smith were combined as suggested by the Examiner, the result would still not disclose or suggest all the requirements of the claims. As discussed above, the combination of White and Chawla does not disclose or

suggest the requirements of claim 1, from which claims 4 and 5 depend, of a second base station forwarding the acknowledgement message (acknowledging a message send from a different base station) to the message handling entity and receiving the acknowledgement message in a second base station. Smith discloses a system and method for directing mobile stations from an analog control channel (ACCH) to a digital control channel (DCCH). Smith does not disclose or suggest the requirements of claim a second base station forwarding the acknowledgement message (acknowledging a message send from a different base station) to the message handling entity and receiving the acknowledgement message in a second base station. Thus, the combination of White, Chawla and Smith does not disclose or suggest a second base station forwarding the acknowledgement message (acknowledging a message send from a different base station) to the message handling entity and receiving the acknowledgement message in a second base station.

Even when Smith is combined with White and Chawla, Smith fails to cure the deficiencies of White and Chawla with respect to these requirements of claim 1. Therefore, claims 4 and 5, which depend from claim 1, are not obvious over the combination of White, Chawla, and Smith.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4047 (4258800064).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

Michael A. Schwartz
Reg. No. 40,161

Dated: September 27, 2007

Bingham McCutchen LLP
2020 K Street, N.W.
Washington, D.C. 20006-1806
(202) 373.6000 Telephone
(202) 373.6001 Facsimile